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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
1875 New Hope Street
Norristown, Pennsylvania 19401
215-270-1948



June 1, 1987

PAD 78 055 116

Mr. Louis Maslow
Green Hill Apartments, Apt. W414
101 City Avenue
Philadelphia, Pennsylvania 19151

Dear Mr. Maslow:

We have completed our review of your hazardous waste management Part B application submitted in the name of East Coast Chemical Disposal, Inc. involving the construction and operation of a commercial hazardous waste storage facility to be located at 201 East Tenth Street, Marcus Hook Borough, Delaware County.

Your company, East Coast Chemical Disposal, Inc., has failed to respond to the last review letter from the Department dated October 11, 1985, even though representatives of this office met with representatives of your company in August of 1986 and requested the finalized version of the hazardous waste Part B application on which a draft permit would be based. East Coast Chemical Disposal, Inc. has not responded to the Department's letter of January 5, 1987 requesting the finalized version of the hazardous waste Part B application. This is in violation of 25 PA Code, Section 75.265(z)(7), which states that failure to furnish in full the information required by the Part B application shall be grounds for termination of interim status or denial of a permit application. This failure to supply the requested information within 90 days of the Department's request also constitutes sufficient grounds for denial of your application pursuant to 25 PA Code, 75.22(c).

Your company has failed to submit the landowner consent form for the current property owner which is Marcus Hook Business & Commerce Center. Your original landowner consent form submitted in the hazardous waste Part B application is no longer valid for this reason. This is in violation of 25 PA Code, Section 75.265(z)(11)(iii) and Section 502(b) of the Solid Waste Management Act of 1980, 35 P.S. §6018.502(b), which states that the contractual consent of landowner form must be provided. This is interpreted to mean with the current landowner of the property where you plan to construct your hazardous waste commercial storage facility.

Your company has also failed to submit the necessary bond covering the total liability for closure of this proposed facility in violation of the Pennsylvania Solid Waste Management Act, the Act of July 7, 1980, No. 97, P.L. 380, P.S. §§6018.505(a) and 25 PA Code 75.311, which require hazardous waste management storage facilities to be bonded for an amount based upon the total estimated cost for the Commonwealth to complete final closure.

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There has been a history of violations of both the Solid Waste Management Act and the Pennsylvania Clean Streams Law at Metro Container Corporation (Metro) located in Trainer Borough, Delaware County. The listing of these violations will read as follows:

1. Disposing of residual waste on the surface of the ground without a permit in violation of Section 301, the Pennsylvania Solid Waste Management Act of 1980 on May 21, 1986, June 19, 1986, September 22, 1986, December 10, 1986, February 17, 1987 and May 19, 1987.
2. Disposing and/or processing residual waste in violation of Section 302(d)(1), 302(d)(2) and 302(d)(3) of the Pennsylvania Solid Waste Management Act of 1980 on May 21, 1986, June 19, 1986, September 22, 1986, December 10, 1986, February 17, 1987 and May 19, 1987.
3. Operation of a residual waste incinerator in violation of 25 PA Code §§5.30(m) and 75.30(g) on May 21, 1986, June 19, 1986, September 22, 1986, December 10, 1986, February 17, 1987 and May 19, 1987.
4. Discharging industrial waste to the surface of the ground and into both groundwater and surface waters in violation of Sections 301 and 307 of the Pennsylvania Clean Streams Law by discharging a polluting substance to the surface of the ground and into both groundwater and surface water in violation of Section 401 of the Pennsylvania Clean Streams Law on May 21, 1986, June 19, 1986, September 22, 1986, December 10, 1986, February 17, 1987 and May 19, 1987.
5. Failure to submit and implement an acceptable Preparedness, Prevention and Contingency Plan in violation of 25 PA Code §101.3(b).

This indicates an unwillingness to comply with Pennsylvania environmental statutes which would prevent us from issuing this permit. Metro is owned by you, a principal party in East Coast Chemical Disposal, Inc. The Pennsylvania Solid Waste Management Act, the Act of July 7, 1980, No. 97, P.L. 380, P.S. §6018.503(d) states that any person or municipality which is engaged in unlawful conduct as defined in this Act, or whose partner, associate, officer, parent corporation, subsidiary corporation, contractor, subcontractor, or agent has engaged in such unlawful conduct, shall be denied any permit or license required by this Act unless the permit or license application demonstrates to the satisfaction of the Department that the unlawful conduct has been corrected. The Department finds that you have not yet corrected the above-stated unlawful conduct, and we are thus required to deny your requested permit application pursuant to 35 P.S. §6018.503(d). The Department also finds that you lack the ability or the intention to comply with statutes which protect the public health and safety of the environment pursuant to 35 P.S. §6018.503(c) based on the above-listed violations.

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For the above reasons, your hazardous waste permit application, Application PAD980551162 originally submitted for the construction and operation of a commercial hazardous waste container storage facility on January 11, 1983, pursuant to §§104(13) and 503 of the Solid Waste Management Act, 35 P.S. 6018.104(13) and 6018.503 is hereby denied.

This action of the Department may be appealable to the Environmental Hearing Board, Third Floor, 221 N. Second Street, Harrisburg, PA 17101, (717-787-3483) by any aggrieved person pursuant to Section 1921-A of the Administrative Code of 1929, 71 P.S. Section 510-21; and the Administrative Agency Law, 2 Pa. C.S., Chapter 5A. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the regulations governing practice and procedure before the Board may be obtained from the Board. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Very truly yours,

WAYNE L. LYNN
Regional Waste Manager

cc: Delaware County Planning Dept.
Marcus Hook Borough
Mr. Gelburd
Mr. Hayes-DER, Harrisburg
Mr. Isreal-EPA, Philadelphia
Mr. Kuchinski-DER, Harrisburg
Mr. Holmes
Re 30 SW139.4

NOTICE OF PREPARATION FOR THE DENIAL OF A
HAZARDOUS WASTE TREATMENT AND STORAGE FACILITY PERMIT

In accordance with the Pennsylvania Solid Waste Management Act of 1980
Department of Environmental Resources, 1875 New Hope Street, Norristown,
Pennsylvania 19401.

DATE OF THIS NOTICE: March 5, 1987

The Department of Environmental Resources has reviewed a permit application involving the establishment of a new hazardous waste facility for the storage and treatment of hazardous waste in containers at East Coast Chemical Disposal, Inc., located at 201 East Tenth Street, Marcus Hook Borough, Delaware County. A tentative decision has been made to deny this permit application. The Department of Environmental Resources will consider any public comments to be made at this time concerning this decision to deny the permit application.

The Commonwealth of Pennsylvania has received final authorization for their Hazardous Waste Management program. A Federal EPA permit will not be required to satisfy the 1984 Hazardous Waste Amendments to the Resource Conservation and Recovery Act because this application is for a new facility which does not have interim status as a hazardous waste management container storage and container treatment facility.

The permit application files and the Department of Environmental Resources' administrative records including the application plus all data submitted by the applicant, may be reviewed and copies may be made at the Department of Environmental Resources' Norristown Regional Office located at 1875 New Hope Street, Norristown, Pennsylvania 19401 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. A copying machine will be provided for public use at a charge per page. Any person desiring further information, copies of a portion of the administrative record or an appointment to review the application should contact Ms. Barbara Bish at 215/270-1902. Any person desiring further information on a Department of Environmental Resources' Hazardous Waste Part B application should contact Mr. Lawrence Lunsik, Facilities Supervisor in Norristown at 215/270-1948.

Copies of the Hazardous Waste Permit Application and accompanying correspondence are also available at the Borough of Marcus Hook Administrative Building located at Tenth and Green Streets, Marcus Hook, Pennsylvania 19061 and also at the Delaware County Planning Department located at the Watkins Building, 315 North Middletown Road, Lima, Pennsylvania 19037.

East Coast Chemical Disposal, Inc. originally submitted an application for the construction and operation of a commercial hazardous waste container storage facility and container treatment facility on January 11, 1983. This was modified by amendments to the application dated December 15, 1983, February 2, 1984, April 4, 1984, June 1, 1984, August 3, 1984 and October 1, 1984. This facility is proposed to serve industries which generate various types of solvents and spent chemical wastes. The wastes are proposed to be stored in a container storage area divided into 15 separate cells where the total storage capacity of 5,000 containers or a total volume of approximately 274,830 gallons. Wastes are also proposed to be treated in 55-gallon drums by a neutralization

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process and solidification by the addition of acids, alkalines, fly ash and vermiculite. The wastes after treatment would then be taken to recycling, treatment or disposal sites. Wastes in the container storage area would not be stored on the property for longer than one year. They would also have to be taken to recycling treatment or disposal sites.

East Coast Chemical Disposal, Inc. has failed to respond to the last review letter from the Department dated October 11, 1985 even though the Department scheduled a meeting with company representatives in August 1986 in an effort to receive the finalized version of the hazardous waste Part B application on which a draft permit would be based. There was a subsequent letter sent to the company on January 5, 1987, but as of this time we have still not received the finalized version of the hazardous waste Part B application.

The company has also failed to submit the necessary bond covering the total liability for closure of this proposed facility. This is in violation of 25 Pa. Code, Act 97, Section 505.

The landowner consent form originally submitted as part of this application, is no longer valid because the property has been purchased by the Marcus Hook Business and Commerce Center.

There has been a history of violations of both the Solid Waste Management Act and the Pennsylvania Clean Streams Law at Metro Container Corporation located in Trainer Borough, Delaware County. This indicates an unwillingness to comply with Pennsylvania environmental statutes which would prevent us from issuing the permit. This Company is owned by a principal party in East Coast Chemical Disposal, Incorporated.

PUBLIC PARTICIPATION:

Persons wishing to comment on the Department of Environmental Resources' decision to deny this application or on the permit application itself should submit their comments in writing to the Department of Environmental Resources, Attention: Mr. Wayne Lynn, Regional Solid Waste Manager at the above-listed address.

All persons including the applicant who believes that this tentative decision to deny this permit application is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual ground supporting their position including any supporting material within 45 days from the date of this public notice. All supporting materials must be included in full and may not be incorporated by reference unless they are already part of the Department of Environmental Resources' administrative record on this permit action, or consist of state statutes and regulations or other general available reference material. Commentors shall make supporting material not already included in the administrative record available to the Department of Environmental Resources.

In the event the Department of Environmental Resources receives written objection to this decision and a request for a public hearing is made within the comment period referenced above, a public hearing shall be scheduled at a location convenient to the population center nearest to the proposed facility.

Public notices of the public hearing shall be given at least thirty (30) days before the hearing.

Any relevant comments received within forty-five (45) days of the date of this public notice or within the time specified by the hearing chairman if a public hearing is held, will be considered in the formulation of a final determination regarding this application. After consideration of all written comments and of the requirements and policies of the Department of Environmental Resources and the state regulations, the Department will make a final decision concerning this permit application. At that time, the Department of Environmental Resources will notify the applicant and each person who has submitted written comments or has requested notice of the final permit decision. The final Department of Environmental Resources' decision will become effective thirty (30) days after the service of Notice of Determination. If no comments requesting a change in our tentative decision to deny this application are received, the final decision will become effective immediately upon issuance. The Department of Environmental Resources' permit action will be published in the Pennsylvania Bulletin and this action by the Department of Environmental Resources may be appealable to the Environmental Hearing Board, Third Floor, 221 North Second Street, Harrisburg, Pennsylvania 17101; telephone 717/787-3483, by any aggrieved person pursuant to Section 1921-A of the Administrative Code of 1929, 71 P.S. §§510.21 and the Administrative Agency Law, No. 2, Pennsylvania C.S., Chapter 5A. Appeals must be filed to the Environmental Hearing Board within thirty (30) days of the receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and regulation governing practice and procedure before the Board may be obtained from the Board. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Comments are requested only on the storage and treatment facility application described above. Comments outside the scope of this application will not be accepted nor be acted upon.

Re 30 SW30.5/.6